

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Western District of PennsCivi | Division

Case No. 1:23-CV-0037

(to be filled in by the Clerk's Office)

CRAIG WILLIAMS

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Former Secretary George Little

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

RECEIVED

FEB 17 2023

CLERK, U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT
OF PENNSYLVANIA

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Craig Williams,All other names by which
you have been known:Craig Carter, Samuel Polk, Samuel Carter, Barry

ID Number

BX-9919

Current Institution

S.C.I. - ALBION

Address

10745, Route 18Albion Pa. 16475

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

George LittleJob or Title (*if known*)Former Secretary of The Dept. of Corrections

Shield Number

Dept. of Correction

Employer

City State Zip Code

Address

 Individual capacity Official capacity

Defendant No. 2

Name

City State Zip CodeJob or Title (*if known*) Individual capacity Official capacity

Shield Number

Employer

Address

City State Zip Code Individual capacity Official capacity

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Defendant No. 3

Name _____

Job or Title (*if known*) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

 Individual capacity Official capacity

Defendant No. 4

Name _____

Job or Title (*if known*) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

 Individual capacity Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*): Federal officials (a *Bivens* claim) State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

First & Fourteenth Amendments; Religious Land Use Inst. P. Act

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Pa. Constitution Article 1 § 13 Religious Freedom

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner
- Other (*explain*) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

On 2/22 George Little (the defendant) made a policy under ADM 819 Religious Activities that took effect 1/23, which denies all faith base groups the practice of ordering outside purchased food items which comport with the customs of religious belief.

C. What date and approximate time did the events giving rise to your claim(s) occur?

Feb., 2022, and is effective on 1/23.

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

The adm 819 religious policy desist the Muslim religious belief that the meats they eat at the feast are slaughter In The Name Of Allah. Instead, the policy states: all foods will be picked from the best meals on the weekly Kitchen menu, which none of the meats are slaughtered In The Name Of Allah. There's no pies, carrot cake, pita bread, full salads, fried fish, etc.; on the Kitchen menu that comport with the customs of the Muslim feast.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

A substantial burden placed on the Plaintiff's which forces him to change his religious behavior. A Irreparable Harm will occur, if the religious feast is not practice to/with in accordance to its customs & practice of eating meats slaughter In Allah Name. Humiliation, degradation, sadness, distress, anxiety & anger will occur and/is occurring from a policy that changes Plaintiff belief.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Temporary Restraining Order and/or Preliminary Objection.
\$100,000 for reimbursement for legal research, writing, & filing.
\$300,000 in punitive damages for the upcoming violation of Plaintiff practice and customs of the religious feast.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act (“PLRA”), 42 U.S.C. § 1997e(a), requires that “[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.”

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes

No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

S.C.I. - ALBION

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes

No

Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

Yes

No

Do not know

If yes, which claim(s)?

The First and Fourteenth Amendment and RLUIP Religious belief claim,

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D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes

No

E. If you did file a grievance:

1. Where did you file the grievance?

at S.C.I.-ALBION & Central Office Chief Grievance Coordinator, etc.

2. What did you claim in your grievance?

That the policy 819 ADM violates plaintiff's right to practice his feast beliefs.

3. What was the result, if any?

They believed they have the authority to discontinue ceremonial feasts.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Plaintiff filed a grievance and formal complaint (directly to Secy G. Little).

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

Yes
 No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes

No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (*If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.*)

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

2. Court (*if federal court, name the district; if state court, name the county and State*)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition.

7. What was the result of the case? (*For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?*)

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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Yes
 No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (*If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.*)

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

2. Court (*if federal court, name the district; if state court, name the county and State*)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition

7. What was the result of the case? (*For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?*)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 2/12/23

Signature of Plaintiff	<u>Craig Williams</u>		
Printed Name of Plaintiff	<u>Craig Williams</u>		
Prison Identification #	<u>BX9949</u>		
Prison Address	<u>10745, Route 18</u>	<u>Pa.</u>	<u>16475</u>
	<u>Albion</u>	<u>City</u>	<u>Zip Code</u>

B. For Attorneys

Date of signing: _____

Signature of Attorney	_____		
Printed Name of Attorney	_____		
Bar Number	_____		
Name of Law Firm	_____		
Address	_____		
	<u>City</u>	<u>State</u>	<u>Zip Code</u>
Telephone Number	_____		
E-mail Address	_____		

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CRAIG WILLIAMS
Plaintiff

CASE NO. 1:23-CV-0037

v.

GEORGE LITTLE, ACTING Secretary
Defendant

JURY TRIAL DEMAND

COMPLAINT WITH JURY DEMAND

Introduction

1. This civil rights violation is being executed by Craig Williams, a state prisoner seeking injunctive relief and a jury trial under 42 U.S.C. § 1983, alleging a deprivation of statutory rights and a violation of the first and fourteenth amendments as well as Religious Land Use Institutional Persons Act (hereinafter "R.L.U.I.P.A").

Jurisdiction

2. This action is in compliance with Title 42 U.S.C. § 1983.
3. Supplemental jurisdiction for state claims fall under 28 U.S.C. § 1333 (a).
4. The Western District jurisdiction is being invoked under 28 U.S.C. § 1331 (b) because this civil action is against a Pennsylvania State Government.

Parties

5. Craig Williams, the plaintiff, is imprisoned at SCI-Albion in the western region of Pennsylvania.

6. George Little, the defendant, is the acting Secretary of all D.O.C. prison facilities throughout the Commonwealth of Pennsylvania, he is being sued in his individual capacity.

Facts

7. Plaintiff, who is a Salafee Muslim, practices Islaamic Monotheism, which consists of worshipping Allaah alone without associating any partners with Him. He has been practicing his religious beliefs since September of 2013, at S.C.I. Albion.

8. Plaintiff offers five mandatory prayers daily which is required in the religion. He also performs voluntary prayers during the night and day.

9. Plaintiff observes the obligatory fast every year during the month of Ramadaan. He attends Jumu'ah (friday congregational prayer) every week, reads Qur'aan everyday, and attends the religious study classes from Monday through Thursday. He is also employed as a Chapel worker in the Islaamic department.

10. Plaintiff states upon completion of the fast during the month of Ramadaan there is a celebratory feast called 'Eidul-Fitr, which all of the Muslims in the world observe upon completing the fast of Ramadaan.

11. Plaintiff states there is another celebratory feast called 'Eidul-Adhaa (sacrificial feast), which all of the Muslims in the world observe for three days during the month of Dhul-Hijjah.

12. Plaintiff states during both of these festivities the Muslims slaughter animals in the Name of Allaah, e.g. lamb, cow, camel, chicken, sheep, etc. They also prepare other dishes such as rice, desserts, etc.

13. The Qur'aan teaches, as mentioned by Allaah that: "Forbidden to you (for food) are al-Maitah (the dead animals -cattle- beast not slaughtered), blood, the flesh of swine, and that on which Allaah's Name has not been mentioned while slaughtering..." [Soorah Al-Maaidah (5), ayah 3].

14. Allaah also mentions in the Qur'aan: "O you who believe! Observing fasting is prescribed for you as it was prescribed for those before you, so that you may become pious." [Soorah al-Baqarah (2):187].

15. The Sunnah teaches, that the Prophet Muhammad delivered the sermon after offering the prayer on the day of sacrifice and said, "Whoever slaughters like us then his sacrifice will be accepted by Allaah..." [Recorded in Saheeh al-Bukhaaree].

16. Plaintiff states that for over thirty years the Muslim prison population paralleled the customs of the Muslim world. They were purchasing halal (lawful) food from outside vendors which were inspected upon arrival, supervised by the dietary department, cooked, then served. The food consisted of: lamb, chicken, fish, rice, vegetables, pie, cake, and juice.

17. Plaintiff states that George Little took over as acting Secretary of Prisons, then implemented a policy on February of the year 2022, that went into effect on January 1, 2023 that states all faith based religious groups will no longer be permitted to purchase food items from an outside vendor for all ceremonial festivities. The everyday kitchen menu will be the food of choice. They can pick items from the best meals and that will be the religious feast.

18. Plaintiff states that the food items on the weekly food menu are not parallel with the customs and practice of the Muslims. The meats are not slaughtered in the Name of Allaah.

19. Plaintiff states that forcing him to abandon his religious behavior in accords with its customs and practices places a hardship on him to relinquish his religious customs and supplant them with what Department of Corrections believe it should be.

FIRST AND FOURTEENTH AMENDMENT

The facts described in paragraph 17-19, will deprive the Plaintiff of a constitutional right under the first amendment to practice his religious belief without governmental interference. Along with the corresponding Pa. Const. Rights under Art. 1 § 13.

RELIGIOUS LAND USE INSTITUTIONAL PERSONS ACT

The facts described in paragraph 17-19 shows the Defendant George Little policy violates Plaintiff's statutory right that protects his religious belief from an imposed substantial burden by a policy that applies to all faith based religious groups.

42 U.S.C. § 1983 CIVIL RIGHTS ACTIONS

The facts described in paragraph 17-19, stemming from the defendant's actions to discontinue faith based religious ceremonial meals violates Plaintiff's statutory right to be liberated from any substantial burden which forces one to change their religious behavior by discontinuing their practice of ordering meats from outside vendors that are slaughtered in the Name of Allaah.

Exhaustion Of Remedies

The Plaintiff has exhausted all his remedies available under D.O.C. Policy and Administrative Codes.

Claims For Relief

The action of the Defendant George Little's policy that discontinue all religious faith based groups from practicing the religious festivities violates Plaintiff's rights under the First and Fourteenth Amendments along with the corresponding Pa. Const. Art. 1 §13.

The action of Defendant George Little policy will place a substantial burden on Plaintiff to change his religious behavior without a penal logical interest violates his statutory right under the Religious Land Use Institutional Persons Act.

The action of Defendant George Little violates the statutory law of Title 42 U.S.C. § 1983 by giving the Plaintiff the opportunity to observe the thirty day fast during the month of Ramadaan, then forcing him to attend a ceremonial feast with food not slaughtered in the Name of Allaah, along with other customary food items that are served with those meats.

WHEREFORE, Plaintiff Craig Williams seeks the following:

A. Issue of Temporary Restraining Order (T.R.O.) based on irreparable harm which will occur because the policy will have a substantial burdening effect that forces Plaintiff to have a ceremonial feast which is not in accord with Islaamic practice and customs, after the fast is completed in April of 2023.

B. Issue a Preliminary Injunction for the defendant to discontinue a policy that violates the Religious Land Use Institutional Persons Act.

C. Issue a declaratory judgment which states the policy in place violates the first amendment and/or R.L.U.I.P.A.

D. Award compensatory damages for filing fees, research, drafting the complaint and other document(s) forthcoming.

1. \$100,000 for the time spent to bring forth this civil action. The humiliation, degradation, stress, distress, all brought on by a policy that forces a substantial burden on Plaintiff to change his religious behavior that is not in accordance with his customs and practice of the Muslim's way of life.

E. Award punitive damages in the following amount: \$300,00.00 against the actions of Defendant George Little for the infringement of the right to practice the Islaamic faith in accordance to the Plaintiff's belief.

F. Grant any and all other relief such as the Islaamic faith requires. E.g., the two ceremonial feasts to be observed for the two and three day period.

Date: 2/12/2023

s/ Craig Williams
 Craig Williams #BX-9919
 10745 Route 18
 Albion, PA 16475-0002